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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/848,868	05/18/2004	Dennis O. Betway	SLING	6189

7590 04/05/2005
ROBERT J. HARTER
4233 CLIFFSIDE DRIVE
LA CROSSE, WI 54601

EXAMINER

LOWE, MICHAEL S

ART UNIT	PAPER NUMBER
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3652

DATE MAILED: 04/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/848,868	Applicant(s) BETWAY, DENNIS O.	
	Examiner M. Scott Lowe	Art Unit 3652	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 5/18/04 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>5/18/04</u> . | 6) <input type="checkbox"/> Other: ____. |

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1,2,4,5 are rejected under 35 U.S.C. 102(b) as being anticipated by
Johannis (US 2,927,329).

Re claim 1, Johannis teaches a sling L that is usable for the intended use of assisting a first person and a second person to carry a load, the sling comprising:
two pliable elongate members 15,16; and
a plurality of at least five handles 17 interconnecting the two pliable elongate members 15,16 and being interposed therebetween, wherein the plurality of at least five handles are permanently affixed to the two pliable elongate members at a nonadjustable position relative thereto, wherein the plurality of at least five handles 17 are stiffer than the two pliable elongate members 15,16 and lie substantially perpendicular thereto, whereby the first person and the second person can each choose from more than one handle of the plurality of at least five handles such that the sling can cradle the load between the first person and the second person.

Re claim 2, Johannis teaches the two pliable elongate members 15,16 comprise two fabric (textile) straps.

Re claim 4, Johannis teaches two end caps 18 attached to opposite ends of each handle 17 of the plurality of at least five handles.

Re claim 5, Johannis teaches a plurality of fasteners 21,22,23 that penetrate the two pliable elongate members 15,16 and the plurality of at least five handles 17.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 3 is rejected under 35 U.S.C. 103(a) as being obvious over Johannis (US 2,927,329) in view of McLeod (US 3,033,310).

Re claim 3, Johannis teaches each handle 17 of the plurality of at least five handles defines slits 20 through which the two pliable elongate members 15,16 extend. Johannis teaches (column 3, lines 9-10) that the handles 17 may be fixed to the two pliable elongate members 15,16 in a number of ways. McLeod teaches use of two slits with removable end caps and fasteners so that the handles can be readily attached or adjusted (column 1, line 15). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Johannis by McLeod to have two slits with removable end caps and fasteners so that the handles can be readily attached or adjusted.

Claims 6-13,15-18,20 are rejected under 35 U.S.C. 103(a) as being obvious over Johannis (US 2,927,329) in view of Wiedemann (US 954,840).

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Re claims 6,17, Johannis teaches a method to carry a load, wherein the method involves the use of a sling L that comprises two pliable elongate members 15,16 joined by a series of handles 17 that are interposed therebetween, wherein the series of handles include a first plurality of handles 17 and a second plurality of handles 17, and the series of handles are stiffer than the two pliable, elongate members 15,16. Johannis does not teach using two people to carry the load. Wiedemann teaches a first person and a second person extending the sling underneath the load such that the load is interposed between the first plurality of handles and the second plurality of handles; selecting a first handle from the first plurality of handles; gripping the first handle via the first person; selecting a second handle from the second plurality of handles; gripping the second handle via the second person such that the load is interposed between the first person and the second person and manually lifting the load via the first person and the second person lifting the first handle and the second handle receptively, whereby the load is held cradled upon the sling between the first person and the second person. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Johannis by the general teaching of Wiedemann to have a first person and a second person extending the sling underneath the load such that the load is interposed between the first plurality of handles and the second plurality of handles; selecting a first handle from the first plurality of handles; gripping the first handle via the first person; selecting a second handle from the second plurality of handles; gripping the second handle via the second person such that the load is interposed between the first person and the second person and manually lifting the load via the first person and the

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second person lifting the first handle and the second handle receptively, whereby the load is held cradled upon the sling between the first person and the second person in order to transfer a load that is too heavy or large for a single person.

Re claims 7,8, Johannis as already modified teaches the first and second person on opposite sides of the load. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have the first and second person face forward or whatever way is more comfortable for them.

Re claim 9, Johannis as already modified teaches the first and second person on opposite sides of the load using only a first arm with the other arm free.

Re claims 10,11, it would have been inherently obvious to one of ordinary skill in the art at the time the invention was made to use the free hand for any needed purpose to help the first and second persons accomplish their task.

Re claim 12, Johannis teaches the two pliable elongate members comprise two fabric (textile) straps 15,16.

Re claims 13,18, Johannis teaches each handle 17 of the series of handles lies substantially perpendicular to the two pliable elongate members 15,16.

Re claim 15, Johannis as already modified inherently teaches positioning at least one handle of the series of handles underneath the load.

Re claim 16, Johannis as already modified inherently teaches tipping the load so that the sling can be positioned underneath the load or any other known type of positioning of the load and sling in order to place the load on the sling.

Re claim 20, Johannis teaches the series of handles 17 maintains the two fabric straps 15,16 in a spaced apart relationship.

Claims 14,19 is rejected under 35 U.S.C. 103(a) as being obvious over Johannis (US 2,927,329) in view of McLeod (US 3,033,310) and Wiedemann (US 954,840).

Re claims 14,19, Johannis teaches each handle 17 of the plurality of at least five handles defines slits 20 through which the two pliable elongate members 15,16 extend. Johannis teaches (column 3, lines 9-10) that the handles 17 may be fixed to the two pliable elongate members 15,16 in a number of ways. McLeod teaches use of two slits with removable end caps and fasteners so that the handles can be readily attached or adjusted (column 1, line 15). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Johannis by McLeod to have two slits with removable end caps and fasteners so that the handles can be readily attached or adjusted.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Ponczek (US 5,713,497) teaches two people facing forward with a load between.

Fainsztein (US 5,466,040) teaches two people facing forward with a load between.

Sanders (US 3,486,671) teaches two people facing forward with a load between.

Blood (US 3,659,760) teaches two people facing forward with a load between.

Littler (US D 404,918) teaches a similar sling.

Clair (US 2,366,535) teaches a similar sling.

Feidt (US 582,908) teaches a similar sling.

Matisi (US 5,628,380) teaches a similar sling.

Ventz (US 4,846,306) teaches a similar sling.

Bryant (US 851,862) teaches a similar sling.

Wheeler (US D 177,201) teaches a similar sling.

Heffron (US 1,314,397) teaches a similar sling.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to M. Scott Lowe whose telephone number is (571) 272-6929. The examiner can normally be reached on 6:30am-4:30pm M-Th.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eileen Lillis can be reached on (571) 272-6607. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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